

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

CENTRAL PRODUCE EL JIBARITO, INC.,

Plaintiff,

v.

ISRAEL RIVERA-QUIÑONES d/b/a/
CENTRO AHORRO RIVERA 1 and
CENTRO AHORRO RIVERA 2, his wife
JANE DOE and the Conjugal Partnership
Constituted between them,

Defendants.

CIVIL No. 07-2122 (JAF)

RE: COLLECTION OF MONIES
PURSUANT TO PACA; UNLAWFUL
DISSIPATION OF TRUST

TRIAL BY JURY DEMANDED

JUDGMENT BY DEFAULT

Upon Plaintiff's motion for judgment by default, and it appearing from return of process server filed in this case that Defendant Israel Rivera-Quíñones (hereinafter known as "Defendants"), was served with a copy of the complaint and summons, and it appearing further that Defendant did not file an appearance or his answer to the Complaint within the time period provided by Fed. R. Civ. P. 12(a), nor has he filed a motion requesting extension of time to file his responsive allegations, the Court hereby orders and enters default against Defendant.

After carefully reviewing the documental evidence submitted by Plaintiff, and being the claims at the case at bar a collection of monies and enforcement of payment under a trust constituted pursuant to the Perishable Agricultural Commodities Act, 7 U.S.C. § 499e(c) ("PACA Trust"), this Court hereby ORDERS that plaintiff's motion for judgment by default be and is hereby granted, and consequently DECREES and ORDERS:

A. Orders Payment from the PACA Trust, and requires Defendant to pay immediately to Plaintiff the amount of \$13,431.50;

B. Orders Defendant to pay Plaintiff the due, demandable and payable amount of \$13,431.50;

C. Orders Defendant to pay Plaintiff the amount of \$13,431.50 that should have been preserved as assets of the PACA Trust constituted to secure the payment of Plaintiff for the sold Commodities; and

The Court hereby ORDERS Defendants to pay plaintiff all costs, expenses, pre-judgment interest, and the actual attorneys' fees incurred in the filing and prosecution of this action.

IT IS SO ORDERED.

In San Juan, Puerto Rico this 15th day of Janurary, 2008.

S/JOSE ANTONIO FUSTE
CHIEF U.S. DISTRICT JUDGE